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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,149	11/19/2001	Hideo Ando	216100US2S	.8168

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EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,149

Applicant(s)

ANDO ET AL.

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## ***DETAILED ACTION***

1. **Claims 1-11** have been examined.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119 (a)-(d), which papers have been placed of record in the file.

### ***Specification***

3. The disclosure is objected because of the following informalities:
  - On page, line 1, “Additionally **VOF** and Sync...” is recited. If “VOF” is meant to abbreviate “variable frequency oscillators” then **It should be corrected** as “Additionally **VFO** and Sync...”
  - On page 8, first paragraph the following is recited. “FIG. 1 shows a state of a pit arrangement **P52** of the cryptograph associated information or distinction associated information region 37, and a state of a signal **S52** corresponding to the pit arrangement **P52**. In comparison, a state of a pit arrangement **P51** of the user data region, and a state of a signal **S51** corresponding to the pit arrangement **P51** are shown.”

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**It should be corrected as** "FIG. 1 shows a state of a pit arrangement **P51** of the cryptograph associated information or distinction associated information region 37, and a state of a signal **S51** corresponding to the pit arrangement **P51**. In comparison, a state of a pit arrangement **P52** of the user data region, and a state of a signal **S52** corresponding to the pit arrangement **P52** are shown."

- On page 6, line 17- 20, the following is recited. "The enciphered information **52** is inputted into a decoder 102 via an enciphered information taking section 101, and the key information **51** is inputted into a decoder 102 via a key information register 103." **It should be corrected as** "The enciphered information **51** is inputted into a decoder 102 via an enciphered information taking section 101, and the key information **52** is inputted into a decoder 102 via a key information register 103."

Appropriate correction is required.

### ***Drawings***

4. The drawing is objected because of the following informalities:
  - On page 6, line 17- 20, the following is recited. "The enciphered information **52** is inputted into a decoder 102 via an enciphered information taking section 101, and the key information **51** is inputted into a decoder 102 via a key information register 103." It should be corrected as "The enciphered information **51** is inputted into a decoder 102 via an enciphered information taking section 101, and the key information **52** is inputted into a decoder 102

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via a key information register 103.” And the corresponding figure 2, does not show the **reference numeral 51**.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 11** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. **Claim 11** is written to depend on claim 8. It has to be corrected, since the “...information string” which is recited on claim 11, is not provided on the corresponding claim 8 or 7. For the purpose of examination claim 11 is assumed to depend on claim 10.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-11** are rejected under 35 U.S.C. 102(b) as being anticipated by **Yoshinari Sanda** (hereinafter refereed as “**Sanda**”) (Japan Patent Publication No. “JP411238305A”)(Publication date August 31, 1999)

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9. **As per claim 1, 2, 7 and 10 Sanda discloses an information storage medium** [figure 1, ref. Num “208”, Abstract](Optical disk is an information storage medium and is explained on the abstract referring to diagram 1, ref. Num “208”] **in which first information including at least one type of information selected from a group consisting of copy associated information, cryptography associated information, and identification information,** [Abstract, Figure 1, ref. Num “209”; claims 1 and 2] (“Encryption data” is met “cryptography associated information”] (the bit stream of the encryption data is modulated by a sub modulation circuit 209”) and **second information different from said first information and used by a user are recorded,**[Abstract, figure 1, ref. Num “206” and claims 1 and 2] (2<sup>nd</sup> information/video or other type of data used by the user is modulated by the main modulation circuit 206) **wherein a first reference channel bit length is defined in a region in which said first information is recorded, a second reference channel bit length is defined in a region in which said second information is recorded, and said first reference channel bit length and said second reference channel bit length are different from each other.** [Abstract; figure 1, ref. Num “207” and “208”, Page 4 of the description 1<sup>st</sup> paragraph; claims 1 and 2; claims 1 and 2] (The bit stream of the first information which includes cryptography associated information/encryption data is modulated by a sub modulation circuit shown on figure 1, ref. Num “209” whose **system of modulation** is entirely different from that of the main modulation circuit “206” used for the second user information. As explained by the applicant disclosure on page 9, line 14- page 10, line 13 different modulation systems inherently produces different channel bit length and meets the recitation of the limitation and see also claims 1 and 2]

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10. **As per claims 3-6 and 8-9, 11 Sanda discloses an information storage medium as applied to claim 1, 2 and 10 above. Furthermore Sanda discloses the information storage medium** wherein an arrangement order of said first information and the second information in a track direction is set so that the first information and the second information are alternately arranged and the second information arriving next to the first information is decoded based on a reproduced content of the first information.[Page 3 of the description, ref. Num "0023", "0024", "0025" and "0026" and claims 1 and 2]

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.(See PTO-Form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private

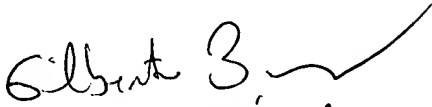
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SAMSON LEMMA

S.L.

04/11/2005

  
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